

In reviewing Hines' submissions, the Court finds that Hines not only has failed to demonstrate that he is entitled to statutory tolling, e.g., 28 U.S.C. § 2244(d)(2)(time during which properly filed application for post-conviction or other collateral review pending not counted), but also has failed to present any "extraordinary circumstances," Clark v. Oklahoma, 468 F.3d 711, 714 (10th Cir. 2005)(citation omitted), that would justify equitable tolling in this instance. The Court further finds that neither the arguments or authorities cited in Hines' Motion to Amend and Add to Petition for Writ of Habeas Corpus nor the relief requested therein would a basis that would excuse or justify Hines' untimeliness in filing the instant action.

Accordingly, the Court

(1) ADOPTS the Report and Recommendation issued on April 16, 2007;

(2) DENIES Hines' Motion to Amend and Add to Petition for Writ of Habeas Corpus file-stamped on April 19, 2007; and

(3) DISMISSES Hines' Petition as untimely-filed.

ENTERED this 10th day of May, 2007.


LEE R. WEST
UNITED STATES DISTRICT JUDGE